

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
14 OCT 21 PM 4:06
OFFICE OF THE CLERK

IN THE MATTER OF:

Inspection of the workplace
located at and near

Case No. 8:14 MJ 259

417 W. Railway
Bruning, NE 68322

under the control or custody of

BRUNING GRAIN AND FEED CO., INC.

ADMINISTRATIVE SEARCH WARRANT

TO: Bonita Winingham
Area Director
Occupational Safety and Health
Administration
Omaha Area Office

Application having been made, and reasonable cause having been shown for the inspection of the work place described as Bruning Grain and Feed Co., Inc. and located at 417 W. Railway, Bruning, NE 68322,

IT IS HEREBY ORDERED that, pursuant to section 8(a) of the Occupational Safety and Health Act of 1970, 29 U.S.C. §§ 651-678, 657(a), YOU OR YOUR DULY DESIGNATED REPRESENTATIVES ARE AUTHORIZED to enter the above-described work place during regular working hours or at other reasonable times, to make an inspection and investigation of the following alleged violations:

Complaint Item	Location	Hazardous Condition	Applicable Standard
1	Grain Elevator	Employees are potentially exposed to fall hazards due to the elevator leg ladder missing a portion of the protective cage toward the top of the ladder.	29 CFR 1910.272 or 1910.27

Said safety and health inspection will also include an inspection of hazards related to grain handling, including but not limited to, combustible dust and engulfment hazards. The inspection will include all relevant records files and papers and all relevant work places or environments where work is performed by employees, and all pertinent conditions, and circumstances, structures, machines, apparatus, devices, equipment, materials, processes, controls, and facilities and all other things therein including videotaping, the taking of photographs, environmental samples including the use of personal sampling equipment, and measurements, relating to the alleged violations, and to question privately any employee or agent, bearing on whether employees are being furnished employment and place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees, and whether there is compliance with the occupational safety and health standards promulgated under the Act.

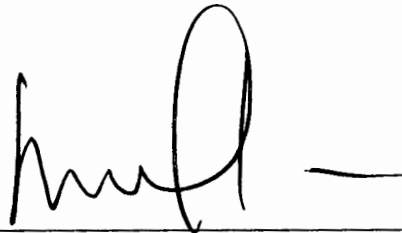
You are hereby directed not to disclose any information obtained during the inspection which is designated to be a trade secret as defined by 18 U.S.C. § 1905, except that such information may be disclosed to other officers or employees

concerned with carrying out the Act or when relevant in any proceeding under the Act.

A return shall be made to this Court showing that the inspection has been completed. The inspection authorized herein shall be initiated within 10 days, and a return shall be made to the Court within fourteen days following completion of the inspection.

DATED: _____

10/8/14



THOMAS D. THALKEN
United States Magistrate Judge

RETURN OF SERVICE

I hereby certify that a copy of the within warrant was duly served on October 9, 2014, to the company named herein:

Bruning Grain and FEED Company, Inc.

417 W. RAILWAY

BRUNING, NE 68322

C/o: Dan Doemeier
Assistant Manager

RETURN

I declare under penalty of perjury that the inspection of the workplace described in this warrant was made on

October 9 & 10 2014

Date: October 21 2014

By:

R. Peacock Sr.
Ricardo Peacock, Sr.
Compliance Officer,
Occupational Safety and
Health Administration
United States Department of
Labor